

## **Gender-based Crimes Against Humanity: Listening to the Voices of Women Survivors of 1965**

### **Indonesian Women's Commission**

#### **Executive Summary**

*"We are women activist detained for years without trial, wives of political detainees, widows --we represent thousands of women victims of 1965... We have shared our stories of state violence, how we have survived, and our hopes. In 1965, we were veterans of the independence movement, supported government policy and campaigns... We were members of legal organisations, such as Lekra, Gerwani, CGMI, HIS, BTI, SOKGI. We organised literacy training, creches, we campaigned against feudalism, for equality. We were young wives with young children, we were students. But the murders of the General changed our lives. We did not know anything about what happened. But suddenly we become a-moral women. There were no letter of arrests. The paramilitary groups never explained why our husbands were taken away*

*As wives of political prisoners, we became victims of sexual abuse when trying to visit our husbands in prison. Some of us were forced to "marry" military personnel to save our families. Our children were also detained, and our land, houses, jewelry confiscated. We were fired from work, we had no income. Then many of use were sent to labour camps...We endured interrogation and torture, and were made to watch the torture of others. We experienced rape, and pregnancy due to rape. The prison conditions where we were held were inhumane. Some detainees were executed.*

*The impact of our incarceration was not only felt during the time of detention. Our attempts to improve the situation of women were halted. After our release, we were made to report to the authorities --an opportunity for extortion. Our national identity cards were marked, and some of us have still have not received life-long identity card. We continue to feel discrimination from our families and community. Our families have been broken, forced to separate – our children raised by others. They blame us, and have found difficult in finding spouses. We still cannot find employment and are continuously discriminated.*

Excerpt from statement prepared by victims, presented to the Women's Commission, 29 May 2006.

#### *Introduction*

Based on its mandate, under Presidential Decree no 65/2005, to contribute to the establishment of a situation conducive to the elimination of violence against women and promote understanding on all forms of violence against women, the Indonesian Women's Commission received a complaint presented by women victims of the 1965 atrocities. These women, mostly elderly, testified about the violations and violence that they experienced in the past, as well as the discrimination they continue to experience. They also presented their demands and hopes for a better future.

In a genuine response to the needs of these victims, the Women's Commission [hereinafter *Komnas Perempuan*] tasked itself to understand and analyse the experiences of women

victims of 1965, facilitate dialog on the experiences of women victims of 1965 with government and non-government institutions, and produce an official report on its findings, with recommendations to the President and Government of Indonesia.

*Komnas Perempuan* consulted with historians and experts, studied academic research on this period, collected historical archives and other evidence, and conducted an in-depth analysis of 122 testimonies of women survivors of 1965.<sup>1</sup> *Komnas Perempuan* is deeply aware that these testimonies only represent a small portion of the experiences of victims. However, it is confident that the findings of the report captures the main patterns of violations that took place.

### *Historical Context*

The events which took place in September 1965, are still clouded by uncertainties, and are beyond the scope of this report. However, *Komnas Perempuan* notes that the official version of history omits to describe the wave of violence perpetrated by the state, in the aftermath of the murder of the seven military officers. This omission, which continues until today, constitutes an official denial –at the heart of the continued discrimination of victims.

By the mid-60s, Indonesia was in the midst of highly charged political turmoil, with tensions between conservative Muslim groups, the army and groups aligned with the Indonesian Communist Party, PKI. On September 30, a group of middle-ranking military officers, with alleged links to the PKI, kidnapped and murdered six generals and one officer.

In response, Major-General Soeharto was appointed to lead the military operation to crush the rebellious group. Mass killings began, in the islands of Java, Bali, and other parts of the country, in October 1965. To date, the numbers killed in this carnage is still undetermined, estimated between 500,000 to a million deaths. At least another million were incarcerated, subjected to torture and ill-treatment, without any legal recourse or court trial. Prisoners from the events around 1965, which included men, women and children, were gradually released by 1979, although they were closely monitored and required to report to the authorities, their civil and political rights never fully restored.

Established in 1950, in the context of revolutionary zeal of the time, Gerwani<sup>2</sup> [*Gerakan Wanita Indonesia* or Indonesian Women's Movement] aimed to achieve equal rights for women, through organising skills and literacy training for women, and establishing pre-schools in the rural areas. By 1965, Gerwani, claiming a membership of 1.7 million women, took an active lead in implementing the national policy of agrarian reform, in close affiliation with PKI. Gerwani also participated in volunteer trainings for government-led political campaigns to liberate Irian Jaya (now Papua) and against Malaysia.

During the violence of 1965-1966, members of Gerwani and other women suspected to be affiliated with PKI, became the target of systematic killings, forced disappearance, illegal detention, torture and sexual violence. Based on analyses of historical media archives, Women's Commission believes that Gerwani was a target of a smear campaign designed to bring about the total destruction of this political group.

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<sup>1</sup> *Komnas Perempuan* had access to testimonies and evidence gathered by two non-government organisations, Syarikat Indonesia and Lingkar Tuter Perempuan, as well as testimonies collected in a private capacity by Commissioner Ita F.Nadia. The Women's Commission independently verified this evidence, and directly met with victims to ensure veracity of the evidence gathered.

<sup>2</sup> When it was established, it first was named Gerwis [*Gerakan Wanita Istri Sedar*] –Movement of Conscious Women-Wives.

Despite the existence of autopsy reports which show that the Generals died, bodies intact, from gun-shot wounds, as well as beatings using blunt instruments, newspapers began reporting that the bodies were mutilated –eyes gouged out and genitals castrated. The *Armed Forces*, a daily newspaper owned by the military, was the first to report, on 11 October 1965, that “Gerwani volunteers played with the Generals by rubbing their genitals onto their own.” The following day, *Duta Masyarakat*, a daily newspaper under Nahdatul Ulama, one of the largest Muslim organisation in Indonesia, reported that “according to trust-worthy sources, Gerwani members danced naked in front of their victims.” These unsubstantiated reports spread to other newspapers, with fantastic descriptions of sexual acts of torture and castration by members of Gerwani, feeding the flames of violence.

*Komnas Perempuan* has corroborated evidence of a disturbing pattern of sexualised torture, conducted in detention centers all over the country. Women victims were called names, suspected of involvement in a sexualised dance while participating in the torture and killing of the generals, and their bodies stripped and examined for hidden tattoos depicting alleged party emblem.

#### *Patterns of Human Rights Violations Against Women*

*Komnas Perempuan* found overwhelming evidence that gender-based crimes against humanity were committed against women, in the context of the massive wave of attacks against civilians.

### **Right to life and the right to be free from forced disappearances**

#### *Fatal Violations Reported in the 122 Statements Studied by the Commission*

	Military	Police	Prison / Camp Authority	Organised Youth Groups	Unknown	Angry Crowd	Total Violations*
<b>Killings</b>	10	0	1	0	15	3	<b>29</b>
<b>Disappearances</b>	8	3	3	0	21	0	<b>35</b>

[\*Total violations refer to the number of counts of these violations mentioned by women in their statements. In some cases there are multiple perpetrators to one violation.]

#### *Detention, Torture and Ill-Treatment Reported in the 122 Statements Studied by the Commission*

	Military	Police	Prison / Camp Authority	Civilian Official	Organised Youth Groups	Hansip/ Wanra	Unkn own	Angry Crowd	Total violations *
<b>Torture</b>	81	9	12	3	13	4	10	1	<b>133</b>
<b>Detention</b>	224	47	145	10	3	4	24	0	<b>457</b>
<b>Abduction</b>	97	17	1	16	15	6	65	5	<b>222</b>

#### *Other Violations in Detention Reported in the 122 Statements Studied by the Commission*

	Military	Police	Prison / Camp Authority	Civilian Official	Unknown	Organised Youth Groups	Total violations *
<b>Lack of Medical Care</b>	8	2	4	0	0	0	<b>14</b>
<b>Food Shortage</b>	29	6	16	4	0	1	<b>56</b>
<b>Poor Prison Conditions</b>	20	4	5	0	1	1	<b>31</b>

<b>Forced Labour</b>	33	3	16	3	1	0	<b>56</b>
<b>Negligent Release</b>	7		2	1	0	0	<b>10</b>
<b>Obligatory Reporting</b>	18	0	0	17	1	0	<b>36</b>

*Gender-Based Violations Reported in the 122 Statements Studied by the Commission*

	Military	Police	Civilian Defence	Prison / Camp Authority	Organised Youth Groups	Unknown	Husband	Total *
<b>Rape</b>	53	1	7	10	1	2	0	<b>74</b>
<b>Sexual Slavery</b>	15	2	0	1	3	0	0	<b>21</b>
<b>Sexual Violence</b>	44	3	3	1	3	8	0	<b>60</b>
<b>Pregnancy from Rape</b>	8	1	0	0	0	0	0	<b>9</b>
<b>Forced Abortion</b>	0	0	0	1	0	0	0	<b>1</b>
<b>Domestic Violence Upon Release</b>	0	0	0	0	0	0	3	<b>3</b>

*Main Findings*

Based on the 122 testimonies received and examined, *Komnas Perempuan* concludes that there are strong indications that the violations committed against women in relation to the 1965 Tragedy fulfill the elements of crimes against humanity.

There are a number of conclusions made by *Komnas Perempuan*:

- Crimes against humanity is part of international customary law, with the trials held at the Military Tribunals in Nuremberg(1945-1946) and Tokyo (May 1946 to November 1958) and later confirmed with the adoption of the Nuremberg Principles by the UN General Assembly in 1950. Indonesia as a member of the UN has recognised these principles and is bound by international customary law.
- Indonesia's duty to try the perpetrators of crimes against humanity became even more pronounced with the adoption of Law UU No. 26/2000 which established a legal basis for the establishment of a human rights tribunal in Indonesia.
- From the 122 victim testimony examined by the *Komnas Perempuan* describes mass murder, violence and detentions that were carried out across a number of regions in Java, Sumatera, Bali, East Kalimantan and Buru Island, resulting in hundreds of thousands victims killed.<sup>3</sup> Data examined by *Komnas Perempuan* provide strong indication that systematic and widespread attacks on the civilian population took place –ie. attacks were repeated and the same patterns took place in many locations, against women who were accused to have links with Gerwani or the Indonesian communist party (PKI), or other groups. For example victims from different regions report the same method of violence such as stripping them naked under the guise of looking for the 'sickle and hammer'

<sup>3</sup> See the findings of the 1966 investigation team from the Command for the Restoration of Security and Public Order which concluded that there were a million victims, supporting the findings of a Commission previously led by Major General Sumarmo (1965) who stated that 78,500 people were killed. Also see estimates on the number of victims killed according to a number of foreign sources as set out in Table 1 in Cribb, R. (Ed.) (2000), *Pembantaian PKI di Jawa dan Bali 1965-1966* (The slaughter of PKI in Java and Bali) (pp. 23-24) (Alkhatab, E. S. & Rusli, N., Translator). Yogyakarta: Mata Bangsa.

emblem, rape in detention, and attacks on women's reproductive organs during interrogation.

- Military and police, and even civilian officials, were involved in these operations. Civilian officials ranged from members of neighborhood associations right up to the national level. Police officers were involved right down to the sub-district police level. Various branches and units of ABRI actively carried out these violent operations. These operations to commit violence were carried out on a massive scale and also used state resources, for instance the use of military transport to arrest and relocate victims from one detention centre to another, the use of military installations and public buildings as detention and interrogation centers, the use of state and public facilities, and the use of state funds to carry out these crimes.
- Additionally, state actors also supported the involvement of a number of youth organisations in carrying out these widespread attacks. The involvement of these organisations facilitated the extra-ordinary escalation of these attacks that resulted in thousands of victims.
- **Gender based persecution**

*Komnas Perempuan* concluded that there were strong indications that gender based persecution as a crime against humanity, was carried out and coordinated by Indonesian security forces, together with groups that had been resourced and / or supported to do so. Persecution against women members and those accused of being affiliated with *Gerwani* and other political groups took place during the 1965 tragedy and have continued until now, due to the existence of discriminatory regulations and behavior that denies the fundamental rights of victims. Campaigns of violence directed at women victims have been sexual and misogynistic in nature.

By orchestrating the opinion that members of *Gerwani* were directly involved in the murders that took place in Lubang Buaya, which was accompanied by a tale of how women carried out sexual torture while they danced in circles, established a motive for the targeting of individuals based on their political identity (communist) and gender (women).

- **Rape and sexual torture as crimes against humanity**

Cases examined by *Komnas Perempuan* show a pattern where the security forces were able to carry out sexual torture and rape against women from the moment they were arrested. There were no attempts from their superiors to prevent or punish the perpetrators of these crimes. These sexual crimes took place in the context of a widespread and systematic attack on a civilian population. The perpetrators knew that their actions were part of this attack and felt certain that their actions would not be prevented or punished, rather that these acts would be supported.

Amongst others, *Komnas Perempuan* found evidence of the following acts:

- Being stripped naked, sometimes in public places, in offices or detention centers. In a number of cases, the security forces forced the women to dance or stand for hours while they remained naked. Some women were stripped naked with the excuse of looking for the “symbol of the hammer and sickle” on their bodies.
- Rape committed by security forces, in groups and repeated over long periods. Rape was committed in detention centers or victims were taken to other locations. Rape was

committed in the headquarters of the security forces or locations under their control. Rape victims included pregnant women and women who had just given birth.

- Rape included the insertion of a penis into a victim's vagina, or by the insertion of an object into a victim's vagina or anus. Rape was also committed by the insertion of a penis into a victim's mouth.
- Rape also resulted in some of the prisoners falling pregnant. One pregnant victim was released because the perpetrator did not want to take responsibility; another victim experienced violence at the hands of the security forces as part of an attempt to commit forced abortion.
- Women's breasts and vagina were treated with electric shocks during interrogation.

- **Sexual slavery as a crime against humanity**

From the testimonies examined by *Komnas Perempuan* there is evidence of instances where security forces treated women under their control as possessions that could be treated arbitrarily, including treating them as sexual commodities. These forms of sexual slavery occurred during detention and after release.

Once again there were no attempts by superiors to prevent or punish the perpetrators of such crimes. Sexual slavery took place in the context of a widespread and systematic attack on a civilian population. The perpetrators knew that their actions were part of the attack, and were certain that their actions would not be prevented or punished.

Amongst others, *Komnas Perempuan* found evidence of the following acts:

- Women prisoners were treated as personal possessions who were repeatedly raped over long periods. In several cases, sexual slavery resulted in pregnancy. In one case a lady who had just given birth was forcefully separated from her biological child.
- Women who had just been released from detention, especially those lacking relatives or resources, were forced to be "accommodated" in locations where the perpetrator could regularly use the victim for sexual purposes.
- Sexual slavery also affected the wives and children of husbands/fathers who were imprisoned, whereby the military authorities and paramilitary agents treated these wives/children as their personal possessions.

- **State Responsibility**

The state has legal and moral responsibility - a responsibility that cannot be denied, and that does not disappear with the passage of time - for the institutions and officials who were given authority to protect and serve its people. The state bears responsibility for any violation committed by officials, state institutions or individuals controlled by the state, who commit violations against the state's obligations under treaty laws or international customary law. This responsibility arises because the state, through the officials, institutions or individuals under its control, *has directly* committed the offence. This responsibility also arises when the state *fails to prevent, or stop* such offences, or *fails to investigate and try* those responsible.

- **Continued denial and persecution**

To date, regulations that discriminate against former prisoners and their families – for instance, marked national identification cards, the denial of identification cards with life-long validity usually given to senior citizens for former prisoners, and restrictions on work opportunities - have not been revoked and are still valid in Indonesia which shows

that the state continues to violate the rights of victims from the 1965 Tragedy. Women victims, especially former members of *Gerwani*, still experience severe discrimination. *Gerwani* members are ostracized and stigmatized by the community due to a version of history that remains uncorrected until this day. An artistic depiction about what happened at Lubang Buaya that portrays women dancing naked and helping men to torture the kidnapped generals has absolutely no historical accuracy.

According to international customary law, crimes against humanity are crimes that have universal jurisdiction and carry no statute of limitations. Until now the state has made no efforts to investigate or try those most responsible for the crimes against humanity that were committed, even though Law No. 26/2000 has created a judicial framework for the handling of these crimes.

- **Victims continue to suffer without reparations**

Until now there have been no genuine attempts by the government to give reparation to the victims. What we refer to are wide ranging reparations (not merely the provision of compensation through judicial mechanisms) as reflected in international jurisprudence.

Based on these findings, *Komnas Perempuan* recommends that the state immediately implement a **national program of reparation**, as follows:

### **Right to satisfaction**

Immediately:

- **The President of the Republic of Indonesia** shall admit that these violations occurred, make an official apology, and provide a guarantee that all types of violations committed against victims of the 1965 Tragedy will immediately cease, and shall revoke all legal instruments that discriminate against victims, and shall issue a declaration in accordance with the law that restores the dignity of victims.

**The government**, after consultation with victims and civil society, shall establish a mechanism to reveal the facts about violations that occurred during the New Order, including violations committed against women, and efforts to search for the whereabouts of the disappeared, including the exhumation of mass graves.

- **The Government** shall provide support to *Komnas Perempuan*, in conjunction with its stakeholders, to construct a memorial, and/or a documentation center that pays respect to the victims as a symbolic pledge that such crimes will not be repeated. This memorial and/or documentation centre shall collect and protect archives that can be accessed by the public and used as historical references about gender based crimes committed by the New Order.
- **The Government, especially the Department of Education**, shall safeguard and support education on history, both formally and informally, which reflects the truth and reveals the experiences of women and children who were victims of the 1965 Tragedy. This education should be directed at the younger generation who need to know the truth about the violations that were committed and the impact on the victims. This education should encompass history about women's movements.
- **The Peoples Representative Assembly**, based on investigations led by the National Human Rights Commission's inquiry [KPP-HAM] on 1965 shall recommend the establishment of an Ad Hoc tribunal to handle cases relating to the 1965 Tragedy.

- **The Peoples Representative Assembly** and **the Government** shall prepare a mechanism, based on the law, to guarantee that the public can gain access to confidential information held by state institutions, after a period of 25 years.

**The National Commission on Human Rights** and the **Office of the Attorney General** shall follow-up investigations into cases from Buru Island that were started by the National Commission on Human Rights, and shall investigate other serious crimes related to the 1965 Tragedy, with standards of inquiry and examination that adhere to the interests of justice, that do not ignore violations committed against women and children, to bring the perpetrators most responsible before an Ad Hoc Human Rights Court.

If the judiciary in Indonesia is neither willing nor able to conduct judicial hearings into these serious crimes, then **the Government** shall immediately ratify the Rome Statute and refer cases of forced disappearance relating to the 1965 Tragedy to an International Criminal Court. Pursuant to international law, forced disappearance is a continuing crime as long as the circumstances remain unclarified.

**The right to restitution** (to restore the victim to the original situation, as much as possible, before the violation occurred)

**The Government** shall immediately:

- Provide restoration of liberty, enjoyment of human rights, identity, family life and citizenship (issue of ID Cards), return to one's place of residence, restoration of employment and return of property rights
- Revoke Minister of Interior Directive No. 32/1981 on the Enlightenment and Supervision of Former Prisoners and Convicts related to the 30 September Movement/PKI, Minister of Interior Document dated 17 November 1981, No. 200/4652 (Further clarification about Directive Guidelines for the Implementation of Minister of Interior Directive No. 32/1981) and Minister of Interior Document dated 26 April 1982, No. 200/1550 (Instructions on the use of administrative forms for former prisoners and convicts related to the 30 September Movement/PKI).
- Eradicate all discriminatory practices which have been directed at former prisoners from the 1965 tragedy.
- Engage in a process to guarantee the settlement of issues relating to the looting/destruction/confiscation of land and property
- Guarantee the pension rights of victims, civil servants and members of the army etc who are supposed to receive pensions from the state
- Provide social security for those victims who are not entitled to a pension.
- Restore the rights of victims, their families and descendants to engage in any type of work that they choose.

### **Right to compensation**

**The Government** shall immediately:

- Work together with civil society and through consultation with victims, to establish a specific mechanism to deal with the economic difficulties faced by former women prisoners, the wives of former prisoners, and the most vulnerable group: widows (and the children of widows) whose husbands were murdered or disappeared.

## Right to rehabilitation

**The Government** shall immediately:

- Mobilize health and social institutions, including the provision of services to elderly victims free of charge
- Provide psychological and medical care, legal and social services in accordance with the needs of victims as well as the provision of any other services deemed necessary, in collaboration with civil society agencies which it funds
- Guarantee education, including scholarships and vocational training for the descendents of victims
- Guarantee that victims are given access to nursing homes and ensure the availability of other residential facilities
- Establish a mechanism within the relevant state department or agency to involve NGOs to ensure the transparency of the rehabilitation process

### *Guarantees of non-repetition of violations*

Immediately:

- **The Peoples Representative Assembly** shall revoke all policies that discriminate against the victims
- **The Government** shall guarantee the civil and political rights of victims from the 1965 Tragedy and prevent the commission of further intimidation or violence against them, either at the hands of state agents or civilians.
- **The Peoples Representative Assembly** and **the Government** shall reform state institutions by drafting and implementing policies that guarantee:
  - **Security forces** shall prevent the commission of, and shall punish members of the security forces who commit, sexual abuse, including sexual torture, rape and sexual slavery under any circumstances
  - **Security forces** shall prevent the commission of, and shall punish members of the security forces who commit, forced disappearance, murder, torture during the interrogation of suspects and other acts of violence
  - **Security forces** shall prevent the commission of, and shall punish members of the security forces who commit, arbitrary arrests and interrogations
  - **The security forces**, in the execution of their operations shall not:
    - Mobilize, use or arm civilians in their operations and shall not allow civilians to commit acts of violence
    - Loot property without any legal basis
    - Use civilian buildings as interrogation and/or detention centers.
  - **TNI** shall not be involved in domestic political problems
  - **Prison Authorities** shall improve detention centers and ensure that the facilities of prisoners adhere to international human rights instruments on convicts and ensure that women and juvenile prisoners/convicts are given special protection

- **The Office of the Public Prosecutor and the Judiciary** shall not disregard the law when prosecuting, trying and deciding cases, including
  - Shall not use evidence obtained from torture when prosecuting cases
  - Shall not sentence convicted persons to exile, forced labor and other forms of inhuman punishment
- Non-state actors involved in this violence:
  - Shall engage in and further reconciliation efforts at the grassroots level between victims and their communities
  - Shall collaborate properly to reveal the truth, including performing internal research into past activities, and making available institutional archives that relate to the involvement of organizations in past crimes
  - Strengthen organizational commitment to anti-violence principles

**The international community and the United Nations** shall take all necessary steps and measures to support the government of Indonesia and ensure that it executes its duty to reveal the truth, uphold justice, prevent the reoccurrence of human rights violations and guarantee the rights of women victims, including the provision of reparation.